



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,054	12/16/2003	John R. Martin	14188US02	4764
23446	7590	01/14/2008	EXAMINER	
MCANDREWS HELD & MALLOY, LTD			JONES, SCOTT E	
500 WEST MADISON STREET				
SUITE 3400				
CHICAGO, IL 60661			ART UNIT	PAPER NUMBER
			3714	
MAIL DATE		DELIVERY MODE		
01/14/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

CT

Office Action Summary	Application No.	Applicant(s)	
	10/737,054	MARTIN ET AL.	
	Examiner	Art Unit	
	Scott E. Jones	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 November 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6,8-14,16,17 and 34-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6,8-14,16,17 and 34-37 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on 11/6/07 in which applicant amends claims 1, 2, 10, and 34, cancels claims 18-33, adds new claim 37, and responds to the claim rejections. Claims 1-6, 8-14, 16, 17 and 34-37.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-6, 8-14, 16,17 and 34-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the newly added limitation, “wherein at least one of said remote activation assembly and said activation-sensing unit further comprises an antenna that wirelessly receives power signals from a commercial radio station” is indefinite because it is unclear whether said assembly or unit only receives a signal from a commercial radio station or whether said assembly or unit is powered by the signal received from a commercial radio station.

The Examiner suggests Applicant make the following or similar amendment to the claim reciting “wherein at least one of said remote activation assembly and said activation-sensing unit further comprises an antenna that wirelessly receives power signals to power at least one of said remote activation assembly and said activation-sensing unit from a commercial radio station.”

Doing so will obviate the claim rejection as presently stated.

Claims 2-6, 8-14, 16,17 and 34-36 inherit the deficiency by inherency.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hankin et al. (“Hankin”) (AU 199944623 B2) in view of Brookes et al. (“Brookes”) (U.S. 4,516,770).

Hankin discloses a system for remotely enabling a pool table having a console located near the pool table having a payment mechanism and a wireless communication capability, a pool table that communicates with the console via a wireless or wired network connection to control a ball release to permit play upon obtaining a predetermined payment. Hankin discloses:

Regarding claim 37:

A pool table system that allows a user to play pool upon receipt of a playing fee, said system comprising:

- a pool table having a playing surface, rails, pockets, a ball holding rack that retains pool balls, and an activation-sensing unit (Abs., pp. 2-6, and 8); and
- a remote activation assembly having a processor operatively connected to a currency acceptor, wherein said remote activation assembly transmits an activation signal that is received by said activation-sensing unit when said processor detects receipt of the playing fee, and wherein said activation-sensing unit is operable to allow a user to access said pool balls when said activation-sensing unit receives the activation signal (Abs., pp. 2-6, and 8);

- ball return passages within said pool table that connect said pockets with said ball holding rack (p. 5 lines 4-5).

Hankin seems to lack explicitly disclosing:

Regarding claim 37:

- a ball detection sensor in communication with said scoring processor and located proximate a portion of at least one of said ball return passages, wherein each of said pool balls includes an embedded detectable device that outputs a unique signal for each of said pool balls, and wherein said ball detection sensor detects said embedded detectable devices as said pool balls pass by said ball detection sensor, and wherein said ball detection sensor relays a data signal to said scoring processor as said pool balls pass by said ball detection sensor, said scoring processor distinguishing among each of said pool balls based on the unique signals received.

In an analogous reference, Brookes teaches of a ball identification system for a table ball game such as pool that automatically scores a game of pool. Brookes teaches:

Regarding claim 37:

a ball detection sensor in communication with said scoring processor and located proximate a portion of at least one of said ball return passages, wherein each of said pool balls includes an embedded detectable device that outputs a unique signal for each of said pool balls, and wherein said ball detection sensor detects said embedded detectable devices as said pool balls pass by said ball detection sensor, and wherein said ball detection sensor relays a data signal to said scoring processor as said pool balls pass by said ball detection sensor, said scoring processor distinguishing among each of said pool balls based on the unique signals received

(Abs, 1:10-33, 58-62, 2:5-16, 55-64). It would have been obvious to modify Hankin to have the features described in Brookes to further automate the billiard gaming system. One would want to do so to simplify scoring games for players and would facilitate determining winners and losers in a tournament type game minimizing a delay between games so that the billiard gaming system operator could make a larger payout resulting from quicker game play. Moreover, using Brookes' system in Hankin allows the electronic detection means to score the game with minimum error by uniquely identifying each ball.

Response to Arguments

6. Applicant's arguments with respect to claims 1-6, 8-14, 16, 17 and 34-36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (571) 272-4438. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Scott E. Jones/
Primary Examiner
Art Unit 3714

SEJ